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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,143	01/26/2001	Christopher Crim	CLARP027/P2616	6194
22434	7590	08/04/2006	EXAMINER	
BEYER WEAVER & THOMAS, LLP			PHAM, HUNG Q	
P.O. BOX 70250				
OAKLAND, CA 94612-0250			ART UNIT	PAPER NUMBER
			2168	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/771,143

Applicant(s)

CRIM ET AL.

Examiner

HUNG Q. PHAM

Art Unit

2168

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires _____ months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) They raise the issue of new matter (see NOTE below);
 (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 11-15, 38-43, 45-47 and 51-58.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).

13. Other: _____.

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Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments with respect to the rejection of claims 11-15, 38-43, 45-47, 53-58, especially claims 11, 38, 43 and 53, under 35 U.S.C. § 101 has been fully considered but not persuasive. The amendment filed on 03/09/06 necessitated the new rejection under 35 U.S.C. § 101. As specified in the Final Office Action 05/25/06, The method, system and program of claims 11, 38, 43 and 53 do not produce a tangible and useful result as set forth in MPEP 2106 (IV)(B)(2)(b)(ii), e.g., evaluating said calculation expression for said each of said plurality of records, based on said at least one field of data... (a) determining at least one value... (b) using said at least one value as input to said calculation expression to evaluate said calculation expression for said first record, and (c) determining a first result... is not a useful and tangible result. The result from evaluating and determining is still unknown and not being applied to the process for controlling access to records stored in a database as recited in the preamble. Therefore, the rejection under 35 U.S.C. § 101 is hereby sustained.

Applicants' arguments with respect to the rejection of claims 11, 38 and 43 under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, have been fully considered but they are not persuasive. As recited in claim 11, a request is received to perform at least one operation on a plurality of records, and evaluating calculation expression for each of said plurality of records. However, evaluating as recited from lines 23-29 is performed only for a first record. The omitted step is identifying and evaluating the next records as required by the request and disclosed at FIG. 10 in the Drawing of the Specification.

Applicants' arguments with respect to the rejection under 35 U.S.C. § 102 and 103 have been fully considered but they are not persuasive. Referring to FIG. 15A of Bapat, each row of the Granted Permissions Table is defined by a meaningful combination of variable characters or variable expression to specify a record access right for a user, wherein each row in the Granted Permissions explicitly defines an access right of a user to a record in the database with its Fully Distinguished Name as a key is equal to the specified Fully Distinguished Name in the Granted Permissions Table. For example, based on the first row of the Granted Permissions Table, a User Name = user_x has Operation Type = delete on any record that has Object Name = object_xyz. Thus, each row expression in the Granted Permissions Table is a calculation expression with a plurality of implied EQUAL OPERATOR, and is evaluated by the FDN field of the record to determine the access right. As shown in FIG. 10, tables 310 and 320, FDN field is a variable which may have different values for each of said plurality of records.

As disclosed by Bapat, an SQL command is used to access management information in DBMS (Col. 25, Line 66-Col. 26, Lines 3). SQL is in the form SELECT FROM WHERE, and WHERE clause is used to specify a value of FDN (Col. 20, Lines 28-32), wherein FDN is used as the key that determines which managed objects the user is permitted to access (Col. 19, Lines 35-40). The Grant table is checked to see if user has specific granted items and grant access if the current operation matches the operation specified in the Grant table (Col. 28, Lines 1-3). As seen, calculation expression, e.g., a row in Granted Permissions Table, is evaluated for each of said plurality of records, e.g., FIG. 11A, based on said at least one field of data, e.g., FDN field, when said request has been received, e.g., SQL command to access management information in DBMS, wherein said evaluating comprises:

(a) determining at least one value for said at least one field of data stored for a first record of said plurality of records (As disclosed by Bapat, the FDN operates as the primary key to the data stored in the table and to determine which managed objects that a particular user is permitted to access or modify (Col. 19, lines 36-40). As seen, FDN as value for said at least one field of data stored for a first record of said plurality of records as in FIG. 11A is determined),

(b) using said at least one value as input to said calculation expression to evaluate said calculation expression for said first record (As disclosed by Bapat, the Grant table is checked to see if user has specific granted items (Col. 28, Lines 1-3). This technique implies FDN is used as input to a particular row in Grant table as calculation expression to evaluate said calculation expression for said first record),

(c) determining a first result for said calculation expression based on said evaluation of said calculation expression for said first record, wherein said first result effectively indicates whether to grant access to said first record (access is granted if a match occurred (Col. 28, Lines 1-3). As seen, granting access as a first result is determined, wherein said first result effectively indicates whether to grant access to said first record).

As disclosed by Osentoski in TABLE I at Col. 2, a user profile is defined by set of "Type of Data", "Protect_Cd" and "Access" data as an expression and further discloses the step of determining, based on said evaluating of said expression for said first record, whether to grant access to said first record of said plurality of records of said database at Col. 4, Lines 21-24.

In view of the foregoing arguments, the rejection under 35 U.S.C. § 102 and 103 is hereby sustained.

For the purpose of the Appeal, the amended claims will not be entered because the added feature of claim 43 raises a new issue under 35 U.S.C. § 101. For example, a database system as recited is a hardware, and a computer readable medium as recited is a memory. Hardware cannot be embodied in memory..